

## REMARKS

Applicants respectfully request consideration of the subject application. This Response is submitted in response to the Office Action mailed January 5, 2007. Claims 1, 3-12 and 14-22 are pending. Claims 1, 3-12 and 14-22 are rejected. In this Amendment, claims 1 and 12 have been amended. No new matter has been added.

### 35 U.S.C. §102 Rejections

The Examiner has rejected claims 1, 3-12 and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Want, et al. (U.S. Patent No.: 5,825,675, hereinafter "Want").

Want fails to disclose all of the limitations of independent claims 1 and 12. In Want, the buttons 384, 386 and 388 do not control an operating function of the portable device that is independent of the information displayed in the display device, as claimed.

Instead, in Want, the buttons 384, 386 and 388 control the scrolling and selection of information in the display. As explained at col. 7, lines 21-29, in particular, the buttons are given functions of "UP," "SELECT," and "DOWN." A user can then scroll through the menu to control various operating functions of the portable device, such as "Power down," "Battery check," etc. Thus, the

operating functions that are controlled by the control devices of Want are directly related to the information displayed in the display.

In addition, in Want, rotation of the information in the display must be tied to buttons. That is, Want requires symmetry of the buttons. In contrast, because the operating functions of the portable device are independent of the information displayed in the display, symmetry of the control devices is not required. The control devices can be placed in any position, allowing for more and better design options.

Moreover, in the presently claimed inventions, the portable digital device is able to be intuitively used with a single hand regardless of which hand AND orientation the portable digital device is being held in. Support for this can be found in Fig 4 para 0023 of the publication of the present application. Referring to Figs 3A and 3C of Want, the apparatus disclosed in Want has to be held in a particular orientation to fit a particular hand. It is not possible to operate the apparatus disclosed in Want using just one hand if buttons 314, 316 and 318 are not accessible to the fingers of the user.

Thus, it is submitted that the intuitive use of the portable digital device regardless of which hand AND orientation the portable digital device is being held in is not in light of the disclosure in Want.

Want fails to disclose, teach or suggest all of the limitations of independent claims 1 and 12. As claims 6-7, 10-11, 17-18 and 21-22 depend, directly or indirectly from independent claims 1 and 12, claims 6-7, 10-11, 17-18 and 21-22 are also patentable over Want for at least the same reasons.

Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jennifer Hayes at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,  
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